

**FLATHEAD COUNTY BOARD OF ADJUSTMENT  
MINUTES OF MEETING  
AUGUST 1, 2006**

**CALL TO ORDER** The regular meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Committee members present were Tony Sagami, Gina Klempel, Scott Hollinger, and Denny Rea. Mark Hash had an excused absence. George Smith and Jeff Harris represented the Flathead County Planning & Zoning Office (FCPZ).

There were approximately 50 people in the audience.

**APPROVAL OF MINUTES** No meeting minutes were approved.

**LHC, INC. DISCUSSION** Rea announced LHC, Inc. withdrew their application.

Jeff Harris told the crowd they could stay for public comment but it would probably be better to save their comment until the Board meeting with LHC, Inc as a scheduled agenda item.

The audience asked when LHC, Inc. would resubmit their application.

Harris did not know when it will be resubmitted. He said if it comes back exactly the same, Staff would resend the application to the land use committee because that is the process.

The audience asked how many times LHC, Inc. can resubmit.

Harris said if someone is turned down for a Conditional Use Permit they have to wait one year to resubmit, provided things don't change. He said if someone came in with a modified application, staff can review it, but typically it is one year.

The audience asked how many times, if voted down, LHC, Inc. could keep submitting.

Harris did not know the answer; however, he said it would not be in the applicant's best interest to keep submitting the same plan.

Harris thanked the audience for coming.

After the LHC, Inc. discussion, there were approximately 15 people left in the audience.

**CONDITIONAL  
USE PERMIT/  
FLATHEAD  
ATTENTION  
HOMES  
(FCU 06-11)**

A request by Flathead Attention Home for a Conditional Use Permit to operate a shelter care facility for youth (10 to 18 years old) within the Eastside, R-2 (One-Family Limited Residential) Zoning District. The property is located at 14 Panoramic Drive.

**STAFF REPORT**

George Smith, of the Flathead County Planning & Zoning Office reviewed Staff Report FCU 06-11 for the Board.

**BOARD  
QUESTIONS**

Rea asked about Condition #4; he didn't agree. He stated if a youth staying there turns 18 and is still attending school, they should be able to stay in the facility.

Staff had no problem with that and let the applicant speak on that issue.

Rea stated these kids' lives are disrupted enough and don't need to be disrupted again by kicking them out of a stable environment.

Klempel asked if the eight residents would include staff.

Smith said it just included the youth residents.

Hollinger asked about Condition #6 and if it included alcohol.

Smith said yes.

Harris spoke about Administrative Conditional Use Permits. He said he truly believes in public engagement.

Smith stated if public comment were not received it would have remained an Administrative Conditional Use Permit.

Sagami asked, for consistency, what the conditions would be on a similar permit.

Smith stated he would defer that to the applicant.

## **APPLICANT**

Lance Isaak, Program Director of Flathead Attention Home, gave examples of children who would need a place to go because of circumstances in their homes. He stated the children need attention not detention. He addressed 5 concerns from the public including: supervision, site suitability, access to recreational activities, water system, and the school system. He said the first responsibility is the safety of the community. They employ 10 regular/part-time staff, which equals 1 adult to every 4 residents. Most of the staff is well-trained, dedicated, and have 4-year degrees. The youths are always well supervised and there is a staff member on duty during the night hours to check on the youth hourly. The house has five bedrooms and the State Fire Marshall has approved the egress windows for the basement bedrooms. It also has a large backyard with a full basketball court. They plan on planting a garden and doing all the yard work themselves. He said they desire to be good neighbors and want to keep the kids involved in community service such as: Christmas in April, Rake Up the Flathead, Humane Society, Food Bank, highway trash pickup, and helping elderly neighbors shovel snow. He spoke about the water issue which was a concern of the community. They encourage energy efficiency, such as short showers. He said watering the lawn would not be a top priority. He stated they would most likely not use more water than a large family who moved into the neighborhood. He said most of the residents come to them for a very short time, usually three weeks. There would be no need to re-enroll them in a new school.

Rea asked if condition #4 bothered him.

Isaak told him it has not been an issue.

Sagami asked how long this facility has been in place and how many times law enforcement has been called.

Isaak said once a month on average.

Sagami wanted examples.

Isaak stated mostly disorderly conduct or possession of tobacco.

Klempel asked if facility managers/staff do any follow up to see how the youth are doing.

Isaak said they see them around town and they have heard from a few.

Sagami asked if the night staff sleep when the children do.

Isaak said the night staff is fully awake the entire night, with hourly checks, especially in the early hours of the night so if anyone thinks of escaping they are caught quickly.

Sagami wondered what conditions were problems for the applicants.

Isaak said some of them are a little discriminatory. They are a single-family residence being held to higher standards than the neighborhood.

Sagami wondered if other facilities like this would be held under conditions.

Isaak said there are no conditions on other facilities he knows about.

**PUBLIC  
COMMENT**

Sherry Stevens, 40 Appleway Drive in Kalispell (United Way) has been helping with the youth homes for a long time. They meet all of the requirements. She knows Lance Isaak very well and said he does well with managing the Flathead Attention Home. She encouraged the Board to support the application. She lives by two youth homes and fought against them at the time they were moving into the neighborhood. However, they turned out to be the best neighbors she has ever had. She said while working at the United Way, they get many phone calls complimenting them on how wonderful the youth are that work with them while doing community service.

Tina Thompson, former resident of the shelter, said it was a really great program that helped her a lot when she needed a place to go. It was a stable environment she felt safe in. She spoke of the confidentiality and the activities they participated in. There was always someone to talk to. It was like a typical family home with many great parents.

Sagami asked if she ever felt unsupervised.

Thompson said she did not because there were always people around, which made her comfortable. There was someone awake every night checking on everybody.

Sagami asked if anybody ever snuck out.

Thompson replied no, not while she was there. It was a very happy place to be, considering the circumstances, and nobody really felt like trying to get out of the shelter.

Sheila Smith, Director of Stillwater Therapeutic Services Mental Health Center, 418 Windward Way in Kalispell, thanked the youth homes for having this resource in the Valley. She commented about the children who use the facilities and stated we need to do everything we can to support this type of program. She spoke of other types of facilities and conditions placed on this permit. She stated the neighbors had never had a problem with these homes; it's usually the other way around. She spoke about the conditions and said they are discriminatory. She stated these homes are licensed by the state and these conditions should not supersede the state. There were no conditions on her group home and she was embarrassed conditions were being put forth on this facility. She understood conditions were for land use only and said it's discriminatory to put conditions on this shelter.

Jim Atkinson, District Executive with Boy Scouts, 820 17<sup>th</sup> Avenue South in Great Falls, MT, stated he deals with the four upper counties in Montana and deals with all kinds of youth in Northwest Montana. He said he would approve all youth homes. The point of these homes and shelters is to care for these kids, teach them how to help others, and teach them respect and responsibility. He said to keep in mind the Flathead Valley is booming and more people means more crime, drugs, and alcohol abuse. He said these facilities should help a lot with these growing problems.

Tom Esch, former County Attorney, spoke about his past experience with these types of facilities. He talked about which conditions were appropriate and which ones were not. He stated the Board can not discriminate against children because of their circumstances. He stated only condition #13 is a reasonable condition for the Board to impose (to obey all laws). He commented staff can not impose conditions that can't be enforced and stated if there were a problem, residents can take it to Lance Isaak, the staff in Missoula, or even himself and he would work it out. He encouraged the Board to enthusiastically grant this permit. He said when they do they would not only be doing this for the children of the Flathead Valley but for those among us.

Elizabeth Moothart, Deputy Probation Officer (over 28 years), 800 South Main, Kalispell, spoke about police involvement with these types of facilities. She commented about being held accountable for breaking a law and when the police need to be involved. She spoke about the staff and the importance of everyone's safety. If youths are breaking the law, there must be action, or there would not be any lessons learned.

Pat Warnecke, Chief Probation Officer for Youth Court (over 20 years) 2120 South Woodland Drive in Kalispell, said the valley didn't have a place for these children for a long time and thanked the applicants for their persistence. He would welcome a facility of this nature in his own neighborhood. He said he has problems with his neighbors all the time and wished they, too, would have someone awake at night making sure things were in order. He stated having these conditions were not only discriminatory, but hypocrisy.

Earl R. Houtz, 9 Panoramic Drive, stated he was not opposed to the group home. He referenced a group home in a different location which had serious problems and expressed his concerns. He spoke about water and sewer issues and referenced a letter from the Environmental Health Department. He reiterated the neighborhood is concerned due to past experiences. He also said there are strong covenants in this area. In the past, there used to be church meetings and there were sewer problems back then.

Sagami asked if it would overwhelm the system if a family with four children moved in.

Houtz stated it would not with only four, but when 10 to 12 people live together it tends to cause water and septic system overload.

Sagami asked if this used to be a church and if that caused many problems.

Houtz stated when there was high occupancy, night meetings, Sunday mornings; he felt they were violating covenants at those times with so many people in one building.

Klempel asked what “high” occupancy was.

Houtz said 50 people at peak times.

Ann Walker, 11 Panoramic Drive, stated she was not against the group home or children, but she was concerned about the following issues: increased traffic, incoming police cars, staffing, maintenance, and visitors. She believes there would be too much traffic with visitations, residents, and staff. She wondered about the ads in the paper about night staff at these kinds of facilities and commented about the turnover rate. She said the yard’s appearance is not good and is not being taken care of at all. She stated the neighborhood has water issues and she does not want to come home to water her yard to find there is no water pressure. She lives directly across the street from this proposed youth home and does not feel this is a good thing for this particular subdivision mostly because of the water and sewer issues. She said her curfew question was answered. In conclusion, she did not want to be a bad person, but she did not want this facility directly across the street from her and have to live with more traffic and water problems.

Rea asked if a well was out of the question.

Isaak stated it is a rental and most likely won’t be there more than 2 years so a well was out of the question.

Hollinger asked about fixing the water system.

There was discussion about drilling separate wells in the community versus a community water system and the cost.

Sagami asked about the license and how many children they were limited to.

Isaak stated they are restricted as to how many youth they could have. He stated they usually have around six. They discussed the age limit of 18 and continuation for some to continue going to high school.

Sagami asked about visitors and if there were rules about residents having friends over.

Isaak stated they have a contact list that is approved. He said it is just family that visits most of the time. Friends of the residents are usually not approved. They request 24-hour advance notice so nobody just shows up.

Klempel asked if the state mandates a curfew.

Isaak stated no, but their home had a curfew of 10:00 pm during summer, and 9:00 pm or 9:30 pm during the school year.

Sagami asked what would happen if someone were to be out past curfew and if there was a contact number to call if needed.

Isaak said they were in the phone book and would be glad to give the phone number to anybody who wanted it.

Sagami wanted to know if the phone was answered 24 hours a day.

Isaak said yes.

Klempel asked if the lease was a 2-year lease.

Isaak stated it was a 1-year lease and are looking to build someday.

Klempel asked if the new building would be on the same property.

Isaak said it would not be on this particular property.

Sagami questioned if they only be there two years.

Isaak responded he didn't know for sure. He said things were



looking promising with the help of community support to build a shelter care facility.

Sagami asked about having the permit expire.

Isaak stated he is not comfortable with any time limit.

Klempel wanted to know if he would consider a larger piece of property someday.

Isaak stated they would if and when they were in the right position to purchase.

**STAFF  
REBUTTAL**

None.

**APPLICANT  
REBUTTAL**

None.

**BOARD  
DISCUSSION**

Rea stated condition #13 wraps the whole thing up. He said if something is wrong with this facility, the state would know about it within 24 hours.

Sagami said he visited the site, spoke with some of the children, and was really impressed.

**MOTION**

Hollinger made a motion seconded by Sagami to adopt Staff Report FCU 06-11 and grant the Conditional Use Permit.

**ROLL CALL**

On a roll call vote the motion passed unanimously.

**OLD BUSINESS**

None.

**NEW BUSINESS/  
PUBLIC  
COMMENT**

Harris introduced Arica as the new Board Secretary. He also gave the Board a heads up about what is coming up for September.

**ADJOURNMENT**

The meeting was adjourned at 7:30 p.m. on a motion by Hollinger seconded by Sagami. The next meeting will be held at 6:00 p.m. on September 5, 2006.

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Dennis Rea, President

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Arica Ahart, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 10/3/06